

State of Arizona
Senate
Forty-sixth Legislature
First Regular Session
2003

CHAPTER 84

SENATE BILL 1261

AN ACT

AMENDING SECTIONS 33-1432 AND 41-121, ARIZONA REVISED STATUTES; RELATING TO
THE ARIZONA MOBILE HOME PARKS RESIDENTIAL LANDLORD AND TENANT ACT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 33-1432, Arizona Revised Statutes, is amended to
3 read:

4 33-1432. Disclosure of written rental agreement

5 A. The landlord or any person authorized to enter into a rental
6 agreement on his THE LANDLORD'S behalf shall disclose to the tenant in
7 writing before entering into the rental agreement each of the following:

8 1. The name and address of the person authorized to manage the
9 premises.

10 2. The name and address of the owner of the premises.

11 3. If applicable, the name and address of a person authorized to act
12 for and on behalf of the owner for the purpose of service of process and for
13 the purpose of receiving and receipting for notices and demands.

14 4. For a prospective tenant on an initial rental agreement, a written
15 statement that shows the rent increases for the three full calendar years
16 immediately preceding the prospective initial rental agreement date. This
17 information shall be for basic space rental only and does not apply to other
18 fees such as late charges, guest fees and utility charges. The landlord may
19 disclose the rent history with calculations that fairly describe the rent
20 history and that are made in any manner that reasonably informs the
21 prospective tenant of the history of basic space rent in the mobile home park
22 during that period. The disclosure calculation may be made in January of
23 each year by adding the dollar amounts or percentage amounts for aggregate
24 rental increases that became effective in the prior calendar year for every
25 space in the park and dividing that number by the total number of occupied
26 revenue spaces for which rent was or could have been increased. This average
27 amount of rental increase or average percentage of rental increase shall be
28 posted at the rental office for three years. Disclosure calculations made
29 pursuant to this section shall be made to the best of the landlord's ability.

30 B. The information required to be furnished by this section shall be
31 kept current and refurnished to the tenant upon the tenant's request except
32 that any successor landlord shall not be required to provide average rent
33 disclosures relating to previous landlords.

34 C. When there is a new owner or operator this section extends to and
35 is enforceable against any successor landlord, owner or manager.

36 D. A person who fails to comply with subsection A, paragraph 1, 2 or
37 3 or subsection B becomes an agent of each person who is a landlord for the
38 following purposes:

39 1. Service of process and receiving and receipting for notices and
40 demands.

41 2. Performing the obligations of the landlord under this chapter and
42 under the rental agreement and expending or making available for the purpose
43 all rent collected from the premises.

1 E. The landlord or any person authorized to enter into a rental
2 agreement on his THE LANDLORD'S behalf shall post in a conspicuous place a
3 copy of the current utility rates unless the tenant is charged directly by
4 the utility company.

5 F. Each tenant shall be notified, in writing, of any rent increase at
6 least ninety days prior to the increase by first class or certified mail or
7 by personal delivery. The mobile home parks hearing officer has jurisdiction
8 to determine whether notices have been served properly and in a timely
9 manner.

10 G. Before entering into a rental agreement, the landlord or any person
11 authorized to enter into the rental agreement shall provide to the
12 prospective tenant A CONCISE WRITTEN SUMMARY OF the current Arizona mobile
13 home parks residential landlord and tenant act booklet, ~~published by the~~
14 ~~secretary of state~~ THAT IS APPROVED BY THE DIRECTOR OF THE DEPARTMENT OF
15 BUILDING AND FIRE SAFETY ANNUALLY BY NOVEMBER 1 AND THAT INCLUDES ANY
16 LEGISLATIVE CHANGES MADE IN THE PRECEDING YEAR. THE DIRECTOR OF THE
17 DEPARTMENT OF BUILDING AND FIRE SAFETY SHALL POST THE APPROVED SUMMARY ON THE
18 DEPARTMENT'S WEB SITE. The landlord shall provide the booklet SUMMARY to the
19 tenant at no cost to the tenant. THE SUMMARY SHALL INCLUDE INFORMATION
20 REGARDING WHERE A COMPLETE COPY OF THE ACT MAY BE OBTAINED OR REVIEWED,
21 INCLUDING LISTING THE SECRETARY OF STATE'S WEB SITE. This subsection shall
22 DOES not apply to renewal of rental agreements. ~~Upon request, the secretary~~
23 ~~of state shall provide sufficient copies of the booklet for this purpose~~
24 ~~without charge.~~ THE SECRETARY OF STATE SHALL POST THE ACT ON THE SECRETARY
25 OF STATE'S WEB SITE.

26 H. The landlord shall make available to all tenants A CONCISE WRITTEN
27 SUMMARY OF the ~~most current revision of the~~ Arizona mobile home parks
28 residential landlord and tenant act booklet ~~within sixty days after it is~~
29 ~~published by the secretary of state~~ THAT IS APPROVED BY THE DIRECTOR OF THE
30 DEPARTMENT OF BUILDING AND FIRE SAFETY ANNUALLY BY NOVEMBER 1 AND THAT
31 INCLUDES ANY LEGISLATIVE CHANGES MADE IN THE PRECEDING YEAR. THE SUMMARY
32 SHALL INCLUDE INFORMATION REGARDING WHERE A COMPLETE COPY OF THE ACT MAY BE
33 OBTAINED OR REVIEWED, INCLUDING LISTING THE SECRETARY OF STATE'S WEB
34 SITE. THE DIRECTOR OF THE DEPARTMENT OF BUILDING AND FIRE SAFETY SHALL POST
35 THE APPROVED SUMMARY ON THE DEPARTMENT'S WEB SITE. The landlord shall
36 provide the revisions SUMMARY at no cost to the tenants.

37 Sec. 2. Section 41-121, Arizona Revised Statutes, is amended to read:

38 41-121. Duties

39 The secretary of state shall:

40 1. Receive bills and resolutions from the legislature, and perform
41 such other duties as devolve upon the secretary of state by resolution of the
42 two houses or either of them.

43 2. Keep a register of and attest the official acts of the governor.

44 3. Act as custodian of the great seal of this state.

1 4. Affix the great seal, with the secretary of state's attestation,
2 to public instruments to which the official signature of the governor is
3 attached.

4 5. File in the secretary of state's office receipts for all books
5 distributed by the secretary of state and direct the county recorder of each
6 county to do the same.

7 6. Certify to the governor the names of those persons who have
8 received at any election the highest number of votes for any office, the
9 incumbent of which is commissioned by the governor.

10 7. Publish slip laws of each act of the legislature promptly upon
11 passage and approval of such act, make such acts available to interested
12 persons for a reasonable fee to compensate for the cost of printing and
13 provide each house of the legislature and the legislative council with a
14 certified copy of each bill or resolution, showing the chapter or resolution
15 number of each, as each is filed in the secretary of state's office.

16 8. Keep a fee book of fees and compensation of whatever kind and
17 nature earned, collected or charged by the secretary of state, with the date,
18 the name of the payer and the nature of the service in each case. The fee
19 book shall be verified annually by the secretary of state's affidavit entered
20 in the fee book.

21 9. Perform other duties imposed on the secretary of state by law.

22 10. Report to the governor on January 2 each year, and at such other
23 times as provided by law, a detailed account of the secretary of state's
24 official actions taken since the secretary of state's previous report
25 together with a detailed statement of the manner in which all appropriations
26 for the secretary of state's office have been expended.

27 11. Transfer all noncurrent or inactive books, records, deeds and other
28 papers otherwise required to be filed with or retained by the secretary of
29 state to the custody of the Arizona state library, archives and public
30 records.

31 12. Make available to the public, without charge, ~~copies of title 33,~~
32 chapter 11 ON THE SECRETARY OF STATE'S WEB SITE.

33 13. Accept, and approve for use, electronic and digital signatures that
34 comply with section 41-132, for documents filed with and by all state
35 agencies, boards and commissions. In consultation with the government
36 information technology agency, the department of administration and the state
37 treasurer, the secretary of state shall adopt rules pursuant to chapter 6 of
38 this title establishing policies and procedures for the use of electronic and
39 digital signatures by all state agencies, boards and commissions for
40 documents filed with and by all state agencies, boards and commissions.

APPROVED BY THE GOVERNOR APRIL 22, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 22, 2003.

Passed the House March 19, 2003,

by the following vote: 53 Ayes,

6 Nays, 1 Not Voting

Jake Flake
Speaker of the House
Norman L. Moore
Chief Clerk of the House

Passed the Senate February 26, 2003,

by the following vote: 29 Ayes,

1 Nays, 0 Not Voting

Ken Bennett
President of the Senate
Charmian Billington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

 day of , 20 ,

at o'clock M.

Secretary to the Governor

Approved this day of

 , 20 ,

at o'clock M.

Governor of Arizona

S.B. 1261

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this day of , 20 ,

at o'clock M.

Secretary of State

SENATE CONCURS IN HOUSE AMENDMENTS
AND FINAL PASSAGE

Passed the Senate April 16, 2003,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

Ken Bennett
President of the Senate
Charmine Bellinger
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

16 day of April, 2003

at 4:30 o'clock P M.

Sandra Ramirez
Secretary to the Governor

Approved this 22 day of

April, 2003,

at 2:15 o'clock P M.

Jan Nagark
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 22 day of April, 2003

at 4:12 o'clock P M.

Janice L. Brewer
Secretary of State

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